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Message Text

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64
ACTION EUR-25

INFO OCT-01 ISO-00 AID-20 CEA-02 CIAE-00 COME-00 EB-11

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TRSE-00 LAB-06 SIL-01 SAM-01 OMB-01 SS-20 NSC-07 PA-04

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R 151805Z MAR 74
FM USMISSION EC BRUSSELS
TO SECSTATE WASHDC 6579
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY THE HAGUE
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
AMEMBASSY ROME

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E.O. 11652: N/A
TAGS: PGOV, PFOR, EEC, UK
SUBJ: TREATY PROVISIONS FOR THE RENEGOTIATIONS OF THE TERMS OF BRITAIN'S ENTRY INTO THE EUROPEAN COMMUNITIES

1. THE NEW BRITISH LABOR GOVERNMENT HAS ANNOUNCED ITS INTENTION TO SEEK "FUNDAMENTAL RENEGOTIATION OF THE TERMS OF ENTRY TO THE EUROPEAN ECONOMIC COMMUNITY". QUOTED BELOW ARE THE PERTINENT LEGAL PROVISIONS IN COMMUNITY TREATIES WHICH WOULD COVER SUCH A RENEGOTIATION.

2. ARTICLE 6 OF THE ACT CONCERNING THE CONDITIONS OF ACCESSION AND THE ADJUSTMENTS TO THE TREATIES, WHICH IS ANNEXED TO THE 1972 TREATY OF ACCESSION UNDER WHICH THE UK (TOGETHER WITH IRELAND AND DENMARK) BECAME A MEMBER OF THE EUROPEAN
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COMMUNITIES, STATES AS FOLLOWS: " THE PROVISIONS OF THIS ACT

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MAY NOT, UNLESS OTHERWISE PROVIDED HEREIN, BE SUSPENDED, AMENDED OR REPEALED OTHER THAN BY MEANS OF THE PROCEDURE LAID DOWN IN THE ORIGINAL TREATIES ENABLING THOSE TREATIES TO BE REVISED."

3. THE PERTINENT ARTICLES IN THE ORIGINAL TREATIES ARE ARTICLE 96 IN THE CASE OF THE EUROPEAN COAL AND STEEL COMMUNITY, ARTICLE 236 IN THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY AND ARTICLE 204 OF THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY (EUREATOM). ALL THREE ARTICLES ARE, IN ESSENCE, SIMILAR. ARTICLE 236 OF THE EEC TREATY READS AS FOLLOWS: " THE GOVERNMENT OF ANY MEMBER STATE OR THE COMMISSION MAY SUBMIT TO THE COUNCIL PROPOSALS FOR THE AMENDMENT OF THIS TREATY.
" IF THE COUNCIL, AFTER CONSULTING THE ASSEMBLY AND, WHERE APPROPRIATE, THE COMMISSION, DELIVERS AN OPINION IN FAVOUR OF CALLING A CONFERENCE OF REPRESENTATIVES OF THE GOVERNMENTS OF THE EMBER STATES, THE CONFERENCE SHALL BE CONVENED BY THE PRESIDENT OF THE COUNCIL FOR THE PURPOSE OF DETERMINING BY COMMON ACCORD THE AMENDMENTS TO BE MADE TO THIS TREATY.
"THE AMENDMENTS SHALL ENTER INTO FORCE AFTER BEING RATIFIED BY ALL THE MEMBER STATES IN ACCORDANCE WITH THEIR RESPECITVE CONSTITUTIONAL REQUIREMENTS."

4. IN EFFECT, ACCORDING TO AN OFFICIAL IN THE COMMISSION'S LEGAL SERVICE. THESE PROVISIONS MEAN THAT ANY RENEGOTIATION WOULD BE SIMILAR TO THE UK'S ENTRY NEGOTIATIONS. IN ADDITION TO BEING ALMOST AS COMPLICATED AND TIME-CONSUMING, OUR SOURCE POINTED OUT THE OUTCOME WOULD BE UNCERTAIN, AND LARGELY DEPENDENT ON THE GOODWILL OF THE OTHER EIGHT MEMBER STATES.
HE SAID THAT A LESS COMPLICATED ALTERNATIVE WOULD BE FOR THE BRITISH TO SEEK CHANGES IN EXISTING COMMUNITY REGULATIONS THROUGH NORMAL COUNCIL DECISION-MAKING PROCEDURES. THIS, HOWEVER, WOULD PROBABLY NOT FULFILL THE LABOR GOVERNMENT'S COMMITMENT TO A "FUNDAMENTAL RENEGOTIATION."
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